UNITED STATES GOVERNMENT

memorandum

DATE: MAY 21 1987

REPLY TO ATTN OF: Aberdeen Tribal Government Services

SUBJECT: Approval of Constitutional Amendments

TO: Superintendent, Lower Brule Agency

A Secretarial election was held under your jurisdiction on August 22, 1986, in which the qualified voters of the Lower Brule Sioux Tribe adopted six (6) of the seven (7) proposed amendments. Approvals were made by this office on September 2, 1986, for Amendments II through VII. However, the letter "a" was omitted in Amendment V, Article VII, Section 4, second paragraph, "(such as action on the reservation budget for single year, or petitions to Congress or the Secretary of the Interior)". It should read "(such as action on the reservation budget for a single year, or petitions to Congress or the Secretary of the Interior)".

Please replace the September approval of Amendment V with the attached corrected approval. This action is necessary as the ballot and the original constitution has this language.

Area Director

Attachment

cc: Chairman, Lower Brule Agency

RECEIVED
MAY 26 1987
Lower Brule Agency
Lower Brule, S. Dak.

OPTIONAL FORM NO. 10
(REV. 1-80)
GSA FPMR (41 CFR) 101-11.6
5010-114

☆ U.S.G.P.O.: 1986 - 491-248/20248

APPROVAL

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted by 10 BIAM 3.1, hereby approve the attached Amendment V to the Constitution and Bylaws of the Lower Brule Sioux Tribe.

Jerry L. Jaeger
Area Director

Date: SEP 0 2 1986

Aberdeen Area Office
Aberdeen, South Dakota

AMENDMENT
TO THE
CONSTITUTION AND BYLAWS
OF THE
LOWER BRULE SIOUX TRIBE

AMENDMENT V

Article VI of the Bylaws shall be amended as follows:

ARTICLE VI - COMPENSATION

The officers and members of the Tribal Council shall serve without compensation but the Tribal Council may prescribe for each officer and councilman a stipend for each regular meeting attended in an amount as deemed appropriate from such approved budgeted trust funds.

Article VII of the Bylaws shall be amended as follows:

ARTICLE VII - MEETINGS

SECTION 1. Meetings. The regular meeting of the Tribal Council shall be held the first Wednesday of each month at the Lower Brule Community Hall or such other place on the reservation designated by the Tribal Council. Special meetings may be called by the Chairman or by the majority of the Tribal Council and when so called the Tribal Council shall have the power to transact business as in regular meetings.

SECTION 2. Quorum. No business shall be transacted unless a quorum is present. A quorum shall consist of five (5) council members.

SECTION 3. Order of Business. The order of business shall be determined by resolution of the Tribal Council.

SECTION 4. Ordinances and resolutions. All final decisions of the Tribal Council on matters of general and permanent interest to the members of the Tribe shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the Tribe.

All final decisions of the Tribal Council on matters of temporary interest (such as action on the reservation budget for a single year, or petitions to Congress or the Secretary of the Interior) or relating expecially to particular individuals or officials (such as adoptions of members, instructions for tribal employees or rules of order for the Tribal Council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to public inspection.

All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by motion duty passed or by the ruling of the Chairman if no objection is heard.

In all instances, resolutions, or motions the duly elected councilmen may act by 2/3 majority vote of the full Tribal Council, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement. The Chairman shall only vote to break a tie.

UNITED STATES GOVERNMENT

memorandum

DATE: SEP 0 1 1988

REPLY TO ATTN OF: Aberdeen Tribal Government Services

SUBJECT: Approval of Constitution Amendments

TO: Superintendent, Lower Brule Agency

This is to transmit corrected approvals for four of the six amendments from the 1986 Secretarial Election. On the four previous approvals, the approval language conflicted with language that was presented on the ballot and voted on by members of the Tribe. There was a typo on the Amendment III ballot, "(30)" which is also being corrected instead of "(3)" in Section 4, the Certificates of Results of Election for Amendments A through F (II through VII) are not affected. The new approvals reflect the following changes:

Amendment II - Article IV, Section 7 (page 3 of amendment), the word "Swear" in the oath is not capitalized and the quotation mark preceding "I" is added; Amendment III - Article V, Section 2, the word enumerated is misspelled and the phrase at the end, "of the charges", is changed "to the charges". Section 4, third line between "specific signatures", the words "charges as specified by a Code of Ethics against the official(s) bearing the" are added in addition to "(30)"; Amendment V - Article VII MEETINGS, Section 1, the word "Meetings" in the first line is deleted. Section 4, fourth paragraph, first line, the word "resolutions" is singular; Amendment VII - Article VI, Section 1(r) reads Lower Brule Sioux Reservation.

Please convey our apologies to the Tribe for any inconvenience this may have caused. The constitution as corrected on our automatic word processor will be used to produce additional copies in three ring binders for your use.

Area Director

RECEIVED
SEP 0 7 1988
Lower Brule Agency
Lower Brule, S. Dak.

Attachments

cc: Chairman, Lower Brule Sioux Tribe

Deputy to the Assistant Secretary - Indian Affairs (Tribal Services)
Attn: Chief, Division of Tribal Government Services
Mail Code 440, Main Interior Building, Mail Stop 2610,
Bureau of Indian Affairs

OPTIONAL FORM NO. 10
(REV. 1-80)
GSA FPMR (41 CFR) 101-11.6
5010-114
☆U.S. GPO: 1985—461-249/20557

APPROVAL

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted by 10 BIAM 3.1, hereby approve the attached Amendment II to the Constitution and Bylaws of the Lower Brule Sioux Tribe.

Jerry L. Jaeger
Area Director

Date: 9/1/88

Aberdeen Area Office
Aberdeen, South Dakota

AMENDMENT
TO THE
CONSTITUTION AND BYLAWS
OF THE
LOWER BRULE SIOUX TRIBE

AMENDMENT II

Article I, Section 2 shall be amended as follows:

SECTION 2. The Lower Brule Sioux Reservation shall constitute one (1) voting district.

Article III, Sections 2, 3, and 4 shall be amended as follows:

SECTION 2. The voters shall elect at large a Chairman, Vice-Chairman, Treasurer and three Councilmen.

SECTION 3. The Tribal Council so organized shall elect from within or outside of its own members (1) a Secretary, (2) a Sergeant at Arms, (3) a Chaplain, and (4) other such officers and committees as may be deemed necessary, but such other officers and committees shall have no vote in the Tribal Council.

SECTION 4. The members of the present Tribal Council shall hold office until the next regular election at which time all of the terms shall expire and new councilmen shall be elected in accordance with this article of this amended constitution. The elected councilmen shall serve for two years.

Article VII and Articles III, IV and V of the Bylaws shall be deleted and inserted into Article IV of the Constitution and amended as follows:

ARTICLE IV - ELECTIONS

SECTION 1. All enrolled resident members of the Lower Brule Sioux Tribe eighteen (18) years of age or over shall be eligible to register and vote but no one may vote unless he has maintained a legal residence within the reservation for a period of one year immediately prior to the election. Individuals incarcerated in jails or prisons shall not be eligible to vote in general, special, or referendum elections.

SECTION 2. Except for the first Tribal election held under this amended constitution, elections shall be held on the first Tuesday of September in even numbered years in accordance with procedures enumerated in this constitution. In the event the Tribal Council fails to select an Election Board at the June regular meeting of each election year, the Superintendent shall do so within 30 days of the June meeting.

SECTION 3.

a. Except for the first Tribal election held under this amended constitution, the Council shall appoint a five (5) member election Board plus five (5) alternates at the regular June council meeting each election year. The Election Board shall then from its members elect a Chairman and shall act independently in carrying out its duties.

b. Qualifications of Election Board Members:

1. Twenty-one (21) years of age.

2. May not be an immediate relative of a candidate for office. Relative is defined as father, mother, spouse, brother, sister, child (by birth, marriage or adoption).

3. Shall not have been convicted of a felony in the last ten (10) years by any Indian, State or Federal Court.

c. Nominations of candidates for the Tribal Council shall be by petition signed by not less than five (5) legal, registered voters. A voter may sign only one petition.

d. Except for the first Tribal election held under this amended constitution, petitions for nomination along with a filing fee, shall be filed with the Chairman of the Election Board, on or before the third Friday in June of each election year.

e. Except for the first Tribal election held under this amended constitution, the list of qualified candidates shall be posted by the Chairman of the Election Board the second Monday of July of each election year.

SECTION 4. Economic Rights. All members of the Tribe shall be accorded equal opportunity to participate in the economic resources and activities without prejudice.

SECTION 5. Civil Liberties. All members of the Tribe may enjoy without hinderance freedom of worship, conscience, speech, press, assembly, and association.

SECTION 6. Certification of Election. It shall be the duty of the members of the Election Board appointed by the Tribal Council to certify the results of the election by posting in the Tribal Office, Bureau of Indian Affairs office and other places as appropriate. This shall be done within three (3) days after the election. Any appeal to the certification must be filed with the Tribal Court within five (5) days. The Court shall render its decision within twenty (20) days. Any appeal will not hinder the installation of council members.

SECTION 7. Installation of Councilmen. Newly elected members who have been duly certified by the Election Board shall be installed at the October meeting of the Tribal Council following the election upon subscribing to the following oath administered by the Chief Judge.

"I, _ _ _

Council. He shall not pay out or otherwise disburse any funds in his possession or custody, or in the possession or custody of the Tribal Council, except when properly authorized to do so by resolution duly passed by the Tribal Council. The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Tribal Council and at such times as the Tribal Council or Assistant Secretary of the Interior may direct. He shall be required to give a bond satisfactory to the Tribal Council and to the Assistant Secretary of the Interior. He shall be present at all special or regular meetings of the Tribal Council.

SECTION 4. Secretary of the Tribal Council. The Secretary of the Tribal Council shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at Tribal Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction and Assistant Secretary of Interior copies of all minutes of regular and special meetings of the Tribal Council. He shall be present at all special and regular meetings of the Tribal Council.

Sections 4, 5, and 6 shall be renumbered sections 5, 6, and 7.

Article II of the Bylaws - Duties of Members, shall be amended as follows:

It shall be the duty of each member of the Tribal Council to make reports to the general membership of the Tribe concerning the proceedings of the Tribal Council. The Tribal Council shall be responsible for the care and administration of all tribal property and equipment under resolutions or ordinances adopted by the Tribal Council, such resolutions and ordinances subject to review by the Secretary of the Interior.

The Bylaws will be renumbered accordingly.

APPROVAL

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted by 10 BIAM 3.1, hereby approve the attached Amendment III to the Constitution and Bylaws of the Lower Brule Sioux Tribe.

Jerry L. Jaeger
Area Director

Date: 9/1/88

Aberdeen Area Office
Aberdeen, South Dakota

AMENDMENT
TO THE
CONSTITUTION AND BYLAWS
OF THE
LOWER BRULE SIOUX TRIBE

AMENDMENT III

Article V shall be amended as follows:

Article V - VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If an officer, councilman, selected or elected official shall die, resign, permanently leave the reservation, or while in office be found guilty of a felony or misdemeanor in any Indian, State, or Federal Court, the Tribal Council shall declare the position vacant and shall appoint a qualified individual to fill the unexpired term.

SECTION 2. The Tribal Council may by a unanimous vote of the remaining council vote to expel any member for gross neglect of duty or improper conduct as enumerated in the Code of Ethics, provided the member is given a written notice stating the charges against him and the time and place of hearing which shall be at least five days after the date of the notice, and the member has had a full hearing and a reasonable opportunity to present his defense to the charges.

SECTION 3. If a councilman moves away and makes his home off the reservation for a period longer than three months, the office shall be declared vacant by the Tribal Council, who shall appoint a qualified individual to fill the unexpired term.

SECTION 4. Any selected or elected official may be removed from office by filing with the Tribal Council of a petition setting forth specific charges as specified by a Code of Ethics against the official(s) bearing the signatures of no less than thirty percent (30%) of the qualified voters voting in the last regular tribal election. Upon receipt of such petition the Tribal Council shall, within five (5) days, notify the official(s) of the charges against him and provide no less than ten (10) days to respond to such charges in writing. The Tribal Council, no less than five (5) days after receipt of the accused official's reply to the charges shall determine whether or not to call an election on the recall petition. Should the Tribal Council decide to not call an election for the recall of an elected official, the petitioners shall file within thirty (30) days to the Lower Brule Sioux Tribal Court for review. If the official in question is a member of the judicial system, the appeal would be to the appellate court. If the official is recalled by an election, the Tribal Council shall declare the position vacant and fill in accordance with Articles 1 or 3 of this section.

SECTION 5. Code of Ethics for all elected or selected officials. Gross neglect and improper conduct of Article V, Vacancies and Removal from office should be interpreted by the Tribal Council in accordance with these definitions.

(a) Gross Neglect - As evidenced through any or all of the following as determined by the Tribal Council:

1. Gross incompetency - Unable or unwilling to perform the duties of office.

2. Inability to handle private affairs as evidenced through garnishment proceedings or court actions ordering payments of delinquent loans or debts.

3. Abandonment of office - Not attending three consecutive tribal council meetings or moving off of the Lower Brule Sioux Reservation.

4. Excessive absenteeism - Five days of unexcused absence in any thirty (30) day period.

(b) Improper Conduct - Determined by Tribal Council:

1. Converting tribal property or monies without authorization through omission or misrepresentation of facts.

2. Misuse of office - Unauthorized personal use of tribal equipment, manpower, or materials.

3. Public conduct so as to question the integrity or endanger the Lower Brule Sioux Tribe or its members, including but not limited to illegal sale of intoxicants, bootlegging, dope and controlled substances, or misuse of firearms.

4. Malfeasance of office - Including gross partiality or oppression.

(c) Improper Conduct - Convictions by legal courts:

1. Conviction of a felony.

2. Three low-misdemeanor convictions within a twelve (12) month period.

3. Crimes in office - Corruption, extortion, fraudulent claims for compensations - salary, mileage, and per diem during an unexcused absence or an unaccountable period of time.

4. Contempt of Court.

5. Any high-misdemeanor, including, but not limited to malicious mischief, statutory rape, hit and run, assault, battery, or assault and battery.

6. Driving while under the influence of alcohol twice in a twelve (12) month period.

APPROVAL

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted by 10 BIAM 3.1, hereby approve the attached Amendment V to the Constitution and Bylaws of the Lower Brule Sioux Tribe.

Jerry L. Jaeger
Area Director

Date: 9/1/88

Aberdeen Area Office
Aberdeen, South Dakota

AMENDMENT
TO THE
CONSTITUTION AND BYLAWS
OF THE
LOWER BRULE SIOUX TRIBE

AMENDMENT V

Article VI of the Bylaws shall be amended as follows:

ARTICLE VI - COMPENSATION

The officers and members of the Tribal Council shall serve without compensation but the Tribal Council may prescribe for each officer and councilman a stipend for each regular meeting attended in an amount as deemed appropriate from such approved budgeted trust funds.

Article VII of the Bylaws shall be amended as follows:

ARTICLE VII - MEETINGS

SECTION 1. The regular meeting of the Tribal Council shall be held the first Wednesday of each month at the Lower Brule Community Hall or such other place on the reservation designated by the Tribal Council. Special meetings may be called by the Chairman or by the majority of the Tribal Council and when so called the Tribal Council shall have the power to transact business as in regular meetings.

SECTION 2. Quorum. No business shall be transacted unless a quorum is present. A quorum shall consist of five (5) council members.

SECTION 3. Order of Business. The order of business shall be determined by resolution of the Tribal Council.

SECTION 4. Ordinances and resolutions. All final decisions of the Tribal Council on matters of general and permanent interest to the members of the Tribe shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the Tribe.

All final decisions of the Tribal Council on matters of temporary interest (such as action on the reservation budget for a single year, or petitions to Congress or the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoptions of members, instructions for tribal employees or rules of order for the Tribal Council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to public inspection.

All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by motion duty passed or by the ruling of the Chairman if no objection is heard.

In all instances, resolution, or motions the duly elected councilmen may act by 2/3 majority vote of the full Tribal Council, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement. The Chairman shall only vote to break a tie.

APPROVAL

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted by 10 BIAM 3.1, hereby approve the attached Amendment VII to the Constitution and Bylaws of the Lower Brule Sioux Tribe.

Jerry L. Jaeger
Area Director

Date: 9/1/88

Aberdeen Area Office
Aberdeen, South Dakota

AMENDMENT
TO THE
CONSTITUTION AND BYLAWS
OF THE
LOWER BRULE SIOUX TRIBE

AMENDMENT VII

Article VI, Section 1, a new subsection (r) to be added as follows:

(r) To promulgate ordinances prohibiting the sales, exchange, and possession of any intoxicant on the Lower Brule Sioux Reservation as defined by the Act of March 2, 1889.

UNITED STATES GOVERNMENT

memorandum

RECEIVED SEP 03 1986 Lower Brule Agency Lower Brule, S. Dak.

DATE: SEP 02 1986

REPLY TO ATTN OF: Tribal Government Services

SUBJECT: Approval of Constitutional Amendments

TO: Superintendent, Lower Brule Agency

We have received the results of the election held on August 22, 1986, by the qualified voters of the Lower Brule Sioux Tribe. The election was called in accordance with the Area Director's authorization dated July 11, 1986, and Resolution No. 86-132 approved pursuant to authority delegated to Area Directors, 10 BIAM 3.1 to permit the eligible voters of the Lower Brule Sioux Tribe to vote on the adoption or rejection of seven proposed amendments to the Constitution and Bylaws of the Lower Brule Sioux Tribe.

As evidenced by the Certificate of Results of Election signed by the Superintendent and other members of the election board, six of the seven proposed amendments were duly adopted by the voters of the Tribe.

To follow proper sequence, the amendments have been renumbered as follows:

Amendment A has been renumbered Amendment II
Amendment B has been renumbered Amendment III
Amendment C has been renumbered Amendment IV
Amendment D has been renumbered Amendment V
Amendment E has been renumbered Amendment VI
Amendment F has been renumbered Amendment VII

Six of the amendments are attached with our Certificates of Approval and the Certificates of Results of Election for transmittal to the Tribal Council. A disapproval of Amendment G is also attached along with copies for your records.

Please have the Chairman of the Tribal Council acknowledge receipt of the above-mentioned documents on the attached extra copy of each Certification of Approval and return them to this office.

Area Director

Attachments

cc: Deputy Assistant Secretary - Indian Affairs (Tribal Services)
Attn: Roland Johnson, Chief, Div. of Tribal Gov't Services
Mail Code 440, Main Interior Building, Mail Stop 2610,
Bureau of Indian Affairs

Chairman, Lower Brule Sioux Tribe

OPTIONAL FORM NO. 10
(REV. 1-80)
GSA FPMR (41 CFR) 101-11.6
5010-114

APPROVAL

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted by 10 BIAM 3.1, hereby approve the attached Amendment II to the Constitution and Bylaws of the Lower Brule Sioux Tribe.

Jerry L. Jaeger
Area Director

Date: SEP 02 1986

Aberdeen Area Office
Aberdeen, South Dakota

AMENDMENT
TO THE
CONSTITUTION AND BYLAWS
OF THE
LOWER BRULE SIOUX TRIBE

AMENDMENT II

Article I, Section 2 shall be amended as follows:

SECTION 2. The Lower Brule Sioux Reservation shall constitute one (1) voting district.

Article III, Sections 2, 3, and 4 shall be amended as follows:

SECTION 2. The voters shall elect at large a Chairman, Vice-Chairman, Treasurer and three Councilmen.

SECTION 3. The Tribal Council so organized shall elect from within or outside of its own members (1) a Secretary, (2) a Sergeant at Arms, (3) a Chaplain, and (4) other such officers and committees as may be deemed necessary, but such other officers and committees shall have no vote in the Tribal Council.

SECTION 4. The members of the present Tribal Council shall hold office until the next regular election at which time all of the terms shall expire and new councilmen shall be elected in accordance with this article of this amended constitution. The elected councilmen shall serve for two years.

Article VII and Articles III, IV and V of the Bylaws shall be deleted and inserted into Article IV of the Constitution and amended as follows:

ARTICLE IV - ELECTIONS

SECTION 1. All enrolled resident members of the Lower Brule Sioux Tribe eighteen (18) years of age or over shall be eligible to register and vote but no one may vote unless he has maintained a legal residence within the reservation for a period of one year immediately prior to the election. Individuals incarcerated in jails or prisons shall not be eligible to vote in general, special, or referendum elections.

SECTION 2. Except for the first Tribal election held under this amended constitution, elections shall be held on the first Tuesday of September in even numbered years in accordance with procedures enumerated in this constitution. In the event the Tribal Council fails to select an Election Board at the June regular meeting of each election year, the Superintendent shall do so within 30 days of the June meeting.

SECTION 3.

a. Except for the first Tribal election held under this amended constitution, the Council shall appoint a five (5) member election Board plus five (5) alternates at the regular June council meeting each election year. The Election Board shall then from its members elect a Chairman and shall act independently in carrying out its duties.

b. Qualifications of Election Board Members:

1. Twenty-one (21) years of age.

2. May not be an immediate relative of a candidate for office. Relative is defined as father, mother, spouse, brother, sister, child (by birth, marriage or adoption).

3. Shall not have been convicted of a felony in the last ten (10) years by any Indian, State or Federal Court.

c. Nominations of candidates for the Tribal Council shall be by petition signed by not less than five (5) legal, registered voters. A voter may sign only one petition.

d. Except for the first Tribal election held under this amended constitution, petitions for nomination along with a filing fee, shall be filed with the Chairman of the Election Board, on or before the third Friday in June of each election year.

e. Except for the first Tribal election held under this amended constitution, the list of qualified candidates shall be posted by the Chairman of the Election Board the second Monday of July of each election year.

SECTION 4. Economic Rights. All members of the Tribe shall be accorded equal opportunity to participate in the economic resources and activities without prejudice.

SECTION 5. Civil Liberties. All members of the Tribe may enjoy without hinderance freedom of worship, conscience, speech, press, assembly, and association.

SECTION 6. Certification of Election. It shall be the duty of the members of the Election Board appointed by the Tribal Council to certify the results of the election by posting in the Tribal Office, Bureau of Indian Affairs office and other places as appropriate. This shall be done within three (3) days after the election. Any appeal to the certification must be filed with the Tribal Court within five (5) days. The Court shall render its decision within twenty (20) days. Any appeal will not hinder the installation of council members.

SECTION 7. Installation of Councilmen. Newly elected members who have been duly certified by the Election Board shall be installed at the October meeting of the Tribal Council following the election upon subscribing to the following oath administered by the Chief Judge.

"I, _____, do hereby solemnly Swear (or affirm) that I shall preserve, support, and protect the Constitution of the United States and the Constitution and Bylaws of the Lower Brule Sioux Tribe to the best of my ability, so help me, God."

SECTION 8. Qualifications of Councilmen. No person shall be a candidate for membership in the Tribal Council unless he shall be a member of the Lower Brule Sioux Tribe, at least twenty-one (21) years of age, shall not have been convicted of a felony by any Indian, State, or Federal Court and shall not have been involved in action as defined by the Code of Ethics as determined by the Tribal Council and courts of law, and shall have resided on the Lower Brule Reservation for a period of one year next preceding the election. A full pardon shall be accepted as erasing said conviction. Dishonorable Discharge that has been upgraded by the proper military authority shall also be accepted. The Election Board shall be the sole judge of the qualifications of candidates ensuring that each candidate is afforded due process.

Article IX shall be amended as follows:

This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the Tribe voting at an election called for that purpose by the Secretary of the Interior provided that at least thirty percent (30%) of those entitled to vote shall vote in such election but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of five sixths (5/6) of the Tribal Council, the Chairman thereof having the right to vote thereon.

Article I, Section 3, of the Bylaws shall be amended with a new Section 4 as follows:

SECTION 3. Treasurer of the Tribal Council. The Treasurer of the Tribal Council shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the Tribal Council, whether same be tribal funds or special funds for which the Tribal Council is acting as trustee or custodian. He shall deposit all funds in such bank or elsewhere as directed by the Tribal Council and shall make and preserve a faithful record of such funds and report on all receipts and expenditures and the amount of all funds in his possession or custody, such report being made in writing to the Tribal Council at regular meetings and such other times as requested by the Tribal

Council. He shall not pay out or otherwise disburse any funds in his possession or custody, or in the possession or custody of the Tribal Council, except when properly authorized to do so by resolution duly passed by the Tribal Council. The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Tribal Council and at such times as the Tribal Council or Assistant Secretary of the Interior may direct. He shall be required to give a bond satisfactory to the Tribal Council and to the Assistant Secretary of the Interior. He shall be present at all special or regular meetings of the Tribal Council.

SECTION 4. Secretary of the Tribal Council. The Secretary of the Tribal Council shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at Tribal Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction and Assistant Secretary of Interior copies of all minutes of regular and special meetings of the Tribal Council. He shall be present at all special and regular meetings of the Tribal Council.

Sections 4, 5, and 6 shall be renumbered sections 5, 6, and 7.

Article II of the Bylaws - Duties of Members, shall be amended as follows:

It shall be the duty of each member of the Tribal Council to make reports to the general membership of the Tribe concerning the proceedings of the Tribal Council. The Tribal Council shall be responsible for the care and administration of all tribal property and equipment under resolutions or ordinances adopted by the Tribal Council, such resolutions and ordinances subject to review by the Secretary of the Interior.

The Bylaws will be renumbered accordingly.

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
LOWER BRULE AGENCY
LOWER BRULE, S. DAK. 57548

IN REPLY REFER TO:

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Aberdeen Area Director on July 11, 1986, the attached Constitution and Bylaws, Amendment A of the Lower Brule Sioux Tribe was submitted to the qualified voters of the tribe and on August 22, 1986, was duly **ADOPTED** ~~REJECTED~~ by a vote of 96 **FOR** and 63 **AGAINST** AND 3 cast ballots found spoiled or mutilated in an election in which at least 30 percent of the 318 members entitled to vote cast their ballot in accordance with 25 U.S.C. 476.

SIGNED:

Edwin L. Miller
Chairman, Election Board

Michael B. Jandreau
Member, Election Board

William W. Ziegler
Member, Election Board

DATE: AUGUST 22, 1986

RECEIVED
AUG 27 1986
TRIBAL GOVERNMENT SERVICES

APPROVAL

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted by 10 BIAM 3.1, hereby approve the attached Amendment III to the Constitution and Bylaws of the Lower Brule Sioux Tribe.

Area Director

Date: SEP 02 1986

Aberdeen Area Office
Aberdeen, South Dakota

AMENDMENT
TO THE
CONSTITUTION AND BYLAWS
OF THE
LOWER BRULE SIOUX TRIBE

4-11-89

AMENDMENT III

Article V shall be amended as follows:

Article V - VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If an officer, councilman, selected or elected official shall die, resign, permanently leave the reservation, or while in office be found guilty of a felony or misdemeanor in any Indian, State, or Federal Court, the Tribal Council shall declare the position vacant and shall appoint a qualified individual to fill the unexpired term.

SECTION 2. The Tribal Council may by a unanimous vote of the remaining council vote to expel any member for gross neglect of duty or improper conduct as enumberated in the Code of Ethics, provided the member is given a written notice stating the charges against him and the time and place of hearing which shall be at least five days after the date of the notice, and the member has had a full hearing and a reasonable opportunity to present his defense of the charges.

SECTION 3. If a councilman moves away and makes his home off the reservation for a period longer than three months, the office shall be declared vacant by the Tribal Council, who shall appoint a qualified individual to fill the unexpired term.

SECTION 4. Any selected or elected official may be removed from office by filing with the Tribal Council of a petition setting forth specific signatures of no less than thirty percent (30%) of the qualified voters voting in the last regular tribal election. Upon receipt of such petition the Tribal Council shall, within five (5) days, notify the official(s) of the charges against him and provide no less than ten (10) days to respond to such charges in writing. The Tribal Council, no less than five (5) days after receipt of the accused official's reply to the charges shall determine whether or not to call an election on the recall petition. Should the Tribal Council decide to not call an election for the recall of an elected official, the petitioners shall file within thirty (30) days to the Lower Brule Sioux Tribal Court for review. If the official in question is a member of the judicial system, the appeal would be to the appellate court. If the official is recalled by an election, the Tribal Council shall declare the position vacant and fill in accordance with Articles 1 or 3 of this section.

SECTION 5. Code of Ethics for all elected or selected officials. Gross neglect and improper conduct of Article V, Vacancies and Removal from office should be interpreted by the Tribal Council in accordance with these definitions.

(a) Gross Neglect - As evidenced through any or all of the following as determined by the Tribal Council:

1. Gross incompetency - Unable or unwilling to perform the duties of office.

2. Inability to handle private affairs as evidenced through garnishment proceedings or court actions ordering payments of delinquent loans or debts.

3. Abandonment of office - Not attending three consecutive tribal council meetings or moving off of the Lower Brule Sioux Reservation.

4. Excessive absenteeism - Five days of unexcused absence in any thirty (30) day period.

(b) Improper Conduct - Determined by Tribal Council:

1. Converting tribal property or monies without authorization through omission or misrepresentation of facts.

2. Misuse of office - Unauthorized personal use of tribal equipment, manpower, or materials.

3. Public conduct so as to question the integrity or endanger the Lower Brule Sioux Tribe or its members, including but not limited to illegal sale of intoxicants, bootlegging, dope and controlled substances, or misuse of firearms.

4. Malfeasance of office - Including gross partiality or oppression.

(c) Improper Conduct - Convictions by legal courts:

1. Conviction of a felony.

2. Three low-misdemeanor convictions within a twelve (12) month period.

3. Crimes in office - Corruption, extortion, fraudulent claims for compensations - salary, mileage, and per diem during an unexcused absence or an unaccountable period of time.

4. Contempt of Court.

5. Any high-misdemeanor, including, but not limited to malicious mischief, statutory rape, hit and run, assault, battery, or assault and battery.

6. Driving while under the influence of alcohol twice in a twelve (12) month period.

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
LOWER BRULE AGENCY
LOWER BRULE, S. DAK. 57548

IN REPLY REFER TO:

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Aberdeen Area Director on July 11, 1986, the attached Constitution and Bylaws, Amendment B of the Lower Brule Sioux Tribe was submitted to the qualified voters of the tribe and on August 22, 1986, was duly **ADOPTED** by a vote of 116 **FOR** and 44 **AGAINST** AND 3 cast ballots found spoiled or mutilated in an election in which at least 30 percent of the 318 members entitled to vote cast their ballot in accordance with 25 U.S.C. 476.

SIGNED:

Edwin L. Miller
Chairman, Election Board

Michael B. Jandreau
Member, Election Board

William W. Ziegler
Member, Election Board

DATE: AUGUST 22, 1986

APPROVAL

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted by 10 BIAM 3.1, hereby approve the attached Amendment IV to the Constitution and Bylaws of the Lower Brule Sioux Tribe.

Jerry L. Jaeger
Area Director

Date: SEP 0 2 1986

Aberdeen Area Office
Aberdeen, South Dakota

AMENDMENT
TO THE
CONSTITUTION AND BYLAWS
OF THE
LOWER BRULE SIOUX TRIBE

AMENDMENT IV

Article VI, section 1(j) shall be amended and a new sub-section (s) as follows:

SECTION 1

(j) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of persons on the Lower Brule Sioux Reservation, and providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers.

Add (s) To establish such tribal corporations as necessary to develop and operate Tribal business entities and to delegate such council powers to such corporations as necessary to conduct business, reserving the right of review of any action taken by virtue of such delegated power, and to rescind establishment and delegation of powers.

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
LOWER BRULE AGENCY
LOWER BRULE, S. DAK. 57548

IN REPLY REFER TO:

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Aberdeen Area Director on July 11, 1986, the attached Constitution and Bylaws, Amendment C of the Lower Brule Sioux Tribe was submitted to the qualified voters of the tribe and on August 22, 1986, was duly **ADOPTED** ~~REJECTED~~ by a vote of 112 **FOR** and 48 **AGAINST** AND 4 cast ballots found spoiled or mutilated in an election in which at least 30 percent of the 318 members entitled to vote cast their ballot in accordance with 25 U.S.C. 476.

SIGNED:

Edwin L. Miller
Chairman, Election Board

Michael B. Jandreau
Member, Election Board

William W. Ziegler
Member, Election Board

DATE: AUGUST 22, 1986

RECEIVED
AUG 27 1986

APPROVAL

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted by 10 BIAM 3.1, hereby approve the attached Amendment V to the Constitution and Bylaws of the Lower Brule Sioux Tribe.

Jerry L. Jaeger
Area Director

Date: SEP 02 1986

Aberdeen Area Office
Aberdeen, South Dakota

AMENDMENT
TO THE
CONSTITUTION AND BYLAWS
OF THE
LOWER BRULE SIOUX TRIBE

AMENDMENT V

Article VI of the Bylaws shall be amended as follows:

ARTICLE VI - COMPENSATION

The officers and members of the Tribal Council shall serve without compensation but the Tribal Council may prescribe for each officer and councilman a stipend for each regular meeting attended in an amount as deemed appropriate from such approved budgeted trust funds.

Article VII of the Bylaws shall be amended as follows:

ARTICLE VII - MEETINGS

SECTION 1. ~~Meetings.~~ The regular meeting of the Tribal Council shall be held the first Wednesday of each month at the Lower Brule Community Hall or such other place on the reservation designated by the Tribal Council. Special meetings may be called by the Chairman or by the majority of the Tribal Council and when so called the Tribal Council shall have the power to transact business as in regular meetings.

SECTION 2. Quorum. No business shall be transacted unless a quorum is present. A quorum shall consist of five (5) council members.

SECTION 3. Order of Business. The order of business shall be determined by resolution of the Tribal Council.

SECTION 4. Ordinances and resolutions. All final decisions of the Tribal Council on matters of general and permanent interest to the members of the Tribal Council shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the Tribe.

All final decisions of the Tribal Council on matters of temporary interest (such as action on the reservation budget for single year, or petitions to Congress or the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoptions of members, instructions for tribal employees or rules of order for the Tribal Council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to public inspection.

All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by motion duty passed or by the ruling of the Chairman if no objection is heard.

In all instances, resolutions, or motions the duly elected councilmen may act by 2/3 majority vote of the full Tribal Council, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement. The Chairman shall only vote to break a tie.

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
LOWER BRULE AGENCY
LOWER BRULE, S. DAK. 57548

IN REPLY REFER TO:

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Aberdeen Area Director on July 11, 1986, the attached Constitution and Bylaws, Amendment D of the Lower Brule Sioux Tribe was submitted to the qualified voters of the tribe and on August 22, 1986, was duly **ADOPTED** ~~XXXXXXXXX~~ by a vote of 122 **FOR** and 35 **AGAINST** AND 7 cast ballots found spoiled or mutilated in an election in which at least 30 percent of the 318 members entitled to vote cast their ballot in accordance with 25 U.S.C. 476.

SIGNED:

Edwin L. Miller
Chairman, Election Board

Michael B. Jandreau
Member, Election Board

William W. Ziegler
Member, Election Board

DATE: AUGUST 22, 1986

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Aberdeen Area Office
TRIBAL GOVERNMENT
SERVICES

APPROVAL

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted by 10 BIAM 3.1, hereby approve the attached Amendment VI to the Constitution and Bylaws of the Lower Brule Sioux Tribe.

Jerry L. Jaeger
Area Director

Date: SEP 02 1986

Aberdeen Area Office
Aberdeen, South Dakota

AMENDMENT
TO THE
CONSTITUTION AND BYLAWS
OF THE
LOWER BRULE SIOUX TRIBE

AMENDMENT VI

Article VII shall be amended as follows:

ARTICLE VII - JUDICIAL

SECTION 1. There shall be a judicial branch comprised of an appellate court, a tribal court consisting of one chief judge with supportive staff.

SECTION 2. Judges shall be elected by the eligible voters for a term of four (4) years subject only to a recall election for cause allowing due process as defined by tribal ordinance.

SECTION 3. The procedures for the maintenance of law and order and administration of justice shall be defined by the tribal council in accordance with Article VI, Section 1 of this constitution.

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
LOWER BRULE AGENCY
LOWER BRULE, S. DAK. 57548

IN REPLY REFER TO:

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Aberdeen Area Director on July 11, 1986, the attached Constitution and Bylaws, Amendment E of the Lower Brule Sioux Tribe was submitted to the qualified voters of the tribe and on August 22, 1986, was duly **ADOPTED** ~~REJECTED~~ by a vote of 109 **FOR** and 51 **AGAINST** AND 4 cast ballots found spoiled or mutilated in an election in which at least 30 percent of the 318 members entitled to vote cast their ballot in accordance with 25 U.S.C. 476.

SIGNED:

Edwin L. Miller
Chairman, Election Board

Michael B. Jandreau
Member, Election Board

William W. Ziegler
Member, Election Board

DATE: AUGUST 22, 1986

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Aberdeen Area Office
TRIBAL GOVERNMENT SERVICES

APPROVAL

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted by 10 BIAM 3.1, hereby approve the attached Amendment VII to the Constitution and Bylaws of the Lower Brule Sioux Tribe.

Jerry L. Jaeger
Area Director

Date: SEP 02 1986

Aberdeen Area Office
Aberdeen, South Dakota

APPROVAL

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted by 10 BIAM 3.1, hereby approve the attached Amendment VII to the Constitution and Bylaws of the Lower Brule Sioux Tribe.

Jerry L. Jaeger
Area Director

Date: SEP 02 1986

Aberdeen Area Office
Aberdeen, South Dakota

AMENDMENT
TO THE
CONSTITUTION AND BYLAWS
OF THE
LOWER BRULE SIOUX TRIBE

AMENDMENT VII

Article VI, Section 1, a new subsection (r) to be added as follows:

(r) To promulgate ordinances prohibiting the sales, exchange, and possession of any intoxicant on the Lower Brule Reservation as defined by the Act of March 2, 1889.

Sioux

4-11-89

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
LOWER BRULE AGENCY
LOWER BRULE, S. DAK. 57548

IN REPLY REFER TO:

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Aberdeen Area Director on July 11, 1986, the attached Constitution and Bylaws, Amendment F of the Lower Brule Sioux Tribe was submitted to the qualified voters of the tribe and on August 22, 1986, was duly **ADOPTED** by a vote of 95 **FOR** and 65 **AGAINST** AND 4 cast ballots found spoiled or mutilated in an election in which at least 30 percent of the 318 members entitled to vote cast their ballot in accordance with 25 U.S.C. 476.

SIGNED:

Edwin L. Miller
Chairman, Election Board

Michael B. Jandreau
Member, Election Board

William W. Ziegler
Member, Election Board

DATE: AUGUST 22, 1986

AUG 27 1986

DISAPPROVAL

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted by 10 BIAM 3.1, hereby disapprove the attached Amendment G to the Constitution and Bylaws of the Lower Brule Sioux Tribe.

Jerry L. Jaeger
Area Director

Date: SEP 02 1986

Aberdeen Area Office
Aberdeen, South Dakota

PROPOSED AMENDMENT
TO THE
CONSTITUTION AND BYLAWS
OF THE
LOWER BRULE SIOUX TRIBE

AMENDMENT G

Article III, Section 4 shall be amended as follows:

SECTION 4. The members of the present Tribal Council shall hold office until the next regular election at which time all of the terms shall expire and the new councilmen shall be elected in accordance with Article IV. The elected officers and councilmen's positions shall be a term of four (4) years. The Tribal election shall be held on the first Tuesday of September every other even numbered year, starting with 1986, in accordance with procedures enumerated in this constitution.

BE IT FURTHER RESOLVED that the Election Board appointed for the Secretarial Election shall be authorized to change any provision that may be in conflict with any other part of the Constitution or any other area that is appropriate by total concurrence of the Election Board.

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
LOWER BRULE AGENCY
LOWER BRULE, S. DAK. 57548

IN REPLY REFER TO:

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Aberdeen Area Director on July 11, 1986, the attached Constitution and Bylaws, Amendment G of the Lower Brule Sioux Tribe was submitted to the qualified voters of the tribe and on August 22, 1986, was duly ~~ADOPTED~~ **REJECTED** by a vote of 64 **FOR** and 93 **AGAINST** AND 7 cast ballots found spoiled or mutilated in an election in which at least 30 percent of the 318 members entitled to vote cast their ballot in accordance with 25 U.S.C. 476.

SIGNED:

Edwin L. Miller
Chairman, Election Board

Michael B. Jandreau
Member, Election Board

William W. Ziegler
Member, Election Board

DATE: AUGUST 22, 1986

AUG 27 1986
Aberdeen Area Office
TRIBAL GOVERNMENT
SERVICES